

## REMARKS

Claims 2-16 are pending and under consideration. Claims 2, 3, 5, 6, 7, 9, 11, and 13-16 are amended herein. Claim 1 is canceled herein without prejudice or disclaimer. Support for the amendments to the claims made be found in the claims as originally filed, and in particular in claim 3. The amendment to claim 3 is submitted to be unrelated to patentability, because the amendment simply placed claim 3 in independent form. Reconsideration is requested based on the foregoing amendment and the following remarks.

### **Interview Summary**

The Applicants submit the following summary of the telephone interview that took place June 5, 2007 between the undersigned representative of the Applicants and the Examiner.

#### Telephone Conference:

The Applicants thank the Examiner for the many courtesies extended to the undersigned representative of the Applicants during the telephone interview that took place June 5, 2007.

Among the issues discussed during that interview were the patentability of the claims over the cited references.

### **Response to Arguments:**

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection. Further favorable consideration is requested.

### **Information Disclosure Statement:**

The Applicants appreciate the consideration of the IDS submitted on March 5, 2007.

### **Objections to the Claims:**

Claims 9, 11, 13, 14, and 15 were objected to for various informalities. Claims 9, 11, 13, 14, and 15 were amended in substantial accord with the Examiner's suggestions. The Examiner's suggestions are appreciated. Withdrawal of the objection is earnestly solicited.

### **Amendments to claims 2, 3, 5, 6, 9, 11, and 13-16:**

Claims 2, 5, 6, 9, 11, and 13-16, were amended to include substantially the subject matter of former claim 3, while claim 3 itself was placed in independent form. None of the cited references teach, disclose, or suggest "automatically adding an arbitrary margin to a power-up

date and time in said predetermined power-up/down schedule, " as now recited in the last clauses of claims 2, 3, 5, 6, 9, 11, and 13-16.

The Office Action asserts in section 21, at page 9, that:

Budnik disclose a power supply control method in a system [10], comprising automatically adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule [col. 6, ll.32-43; resetting with arbitrary margin to next power up that would not cause abnormal operations].

Budnik, to the contrary, mentions no arbitrary margin at all, let alone "automatically adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule, " as now recited in the last clauses of claims 2, 3, 5, 6, 9, 11, and 13-16.

Although Budnik *alludes* to the problem of the time required to complete a power down sequence varying from data processing system to data processing system, Budnik *cancels* the scheduled power off and resets the next on/off times in the event a restart is attempted during an incomplete power down sequence, rather than "automatically adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule, " as now recited in the last clauses of claims 2, 3, 5, 6, 9, 11, and 13-16. In particular, as described a column 6, lines 32-43:

Of course, the amount of time required to complete a power down sequence will vary from data processing system to data processing system; however, an attempted restart of a data processing system during an incomplete power down sequence will result in abnormal operations and must be avoided, if possible. Therefore, in the event the next scheduled on time stored within data processing system 10 is imminent, the process passes to block 110, which illustrates the cancellation of the scheduled power off and the resetting of the next on/off times which are stored within data processing system 10.

Since Budnik cancels the scheduled power off and resets the next on/off times in the event a restart is attempted during an incomplete power down sequence, Budnik is not "automatically adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule, " as now recited in the last clauses of claims 2, 3, 5, 6, 9, 11, and 13-16. Claims 2, 3, 5, 6, 9, 11, and 13-16 are thus submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 5, 6, 9, 11, and 13-16 is earnestly solicited.

**Claim Rejections – 35 U.S.C. § 102:**

Claims 13, 14, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication H11-345048 to Yasunori (hereinafter "Yasunori"). The rejection as traversed to the extent it might apply to the claims as amended. Reconsideration of the rejection

is earnestly solicited.

In the claimed invention, the computers other than a representative computer are activated by a power up instruction from the representative computer. Each of the other computers also stores a power up date and time, of which they are notified by a power down instruction from the representative computer. Activation in accordance with the stored power up date and time, however, only takes place if the representative computer fails to provide the power up instruction. That is, when computer 11, the representative computer, is operating normally, as shown in Fig. 8, computer 11 issues a power up instruction at operation S45, which activates the other computers in operations S47, and S48.

If, on the other hand, computer 11 is not operating normally, *i.e.* an abnormality has occurred, then operation S45 cannot be performed, and the other computers are activated by the performance of operation S49, as shown in Fig. 9. The third clause of claim 13, in particular, recites:

Performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received.

Yasunori neither teaches, discloses nor suggests "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as recited in claim 13. Yasunori, rather, carries out the power input/interruption of the server *automatically* at the scheduled time, as noted astutely in the Office Action in section 6, in the last full paragraph at page 3. Yasunori does not even contemplate the scheduled power input/interruption time arriving and "abnormally no power-up instruction is received," as recited in claim 13. In particular, as described at paragraph [0004]:

In the aforementioned client/server system, there is an automatic operating system which schedules the power input/interruption time of the server in advance and carries out the power input/interruption of the server automatically at the scheduled time.

Since Yasunori carries out the power input/interruption of the server automatically at the scheduled time, Yasunori is not "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as recited in claim 13.

Furthermore, in Yasunori, timer processing part (12) gives processing start command to power control part (14) when it becomes the set time. No mention appears in Yasunori of the scheduled power input/interruption time arriving and "abnormally no power-up instruction is

received," as recited in claim 13, at all. In particular, as described at paragraph [0014]:

Schedule processing part (11) processes the scheduled data and sets the time data with respect to timer processing part (12). Timer processing part (12) gives processing start command to power control part (14) when it becomes the set time.

Since, in Yasunori, timer processing part (12) gives processing start command to power control part (14) when it becomes the set time, Yasunori is not "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as recited in claim 13.

Yasunori, in contrast to the claimed invention, is concerned with whether or not a client exists, i.e. is accessing that server, rather than with the possibility of the scheduled power input/interruption time arriving and "abnormally no power-up instruction is received," as recited in claim 13. In particular, as described further at paragraph [0014]:

Power control part (14) instructs client confirmation part (13) to carry out a survey on whether or not a client exists. Client confirmation part (13) carries out the survey in compliance with the said instruction and notifies the result thereof to power control part (14).

Since Yasunori is concerned with whether or not a client exists, Yasunori is not "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as recited in claim 13.

Yasunori, in fact, *suspends* the power interruption of a server if a client exists, i.e. is accessing that server. In particular, as described at paragraph [0006]:

The present invention was made by giving consideration to the aforementioned situation and the purpose is to provide a method and a system for automatically operating a computer and a recording medium for programming and recording the method which was made so that the server can be used continuously while a client exists by suspending the power interruption during the existence of a client.

Since Yasunori suspends the power interruption of a server if a client exists, Yasunori is not powering down the client, let alone "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as recited in claim 13.

Yasunori, finally, carries out a power interruption only when confirmation is made that a client does *not* exist, i.e. no client is accessing the server. In particular, as described at paragraph [0008]:

The system for automatically operating computer in the present invention is

characterized by the fact that a server client system, wherein power control of a server computer is carried out according to a preset power input and interruption schedule, is provided with a timer processing means which reads the schedule data and timers the power interruption time of the server in compliance with this schedule, a schedule processing means which monitors the timer and waits to carry out the power interruption process until the set time, and a power control means which makes an inquiry on whether or not a client exists and carries out a power interruption complying with the aforementioned timer setting only when confirmation is made that a client does not exist.

Since Yasunori carries out a power interruption only when confirmation is made that a client does not exist, Yasunori has no client to power down in the first place, let alone any need for "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as recited in claim 13. Claim 13 is thus submitted to be allowable. Withdrawal of the rejection of claim 13 is earnestly solicited.

Claim 14:

The fourth clause of claim 14 recites:

Performing the power-up process if the power-up date and time comes and abnormally no power-up instruction is received.

Yasunori neither teaches, discloses nor suggests "performing the power-up process if the power-up date and time comes and abnormally no power-up instruction is received," as discussed above with respect to the rejection of claim 13. Claim 14 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 14 is earnestly solicited.

Claim 15:

The fifth clause of claim 15 recites:

Performing the power-up process if the power-up date and time comes and abnormally no power-up instruction is received.

Yasunori neither teaches, discloses nor suggests "performing the power-up process if the power-up date and time comes and abnormally no power-up instruction is received," as discussed above with respect to the rejection of claim 13. Claim 15 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 15 is earnestly solicited.

**Claim Rejections – 35 U.S.C. § 103:**

Claims 2, 5-9, 11, 12, and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya. The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

“Tsuchiya” is not of record in the application. The reference to Tsuchiya should have been to “Yasunori,” according to the message left for the undersigned representative of the Applicants by the Examiner on May 30, 2007. Withdrawal of the rejection is earnestly solicited.

Claim 3 has been amended to incorporate the subject matter of former claim 1, as discussed above. The fourth clause of claim 3 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Yasunori neither teaches, discloses nor suggests “each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices,” as discussed above with respect to the rejection of claim 13. Claim 3 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claim 7 depends from claim 3 and adds further distinguishing elements. Claim 7 is thus also submitted to be allowable. Withdrawal of the rejection of claim 7 is also earnestly solicited.

**Claims 2 and 8:**

The fourth clause of claim 2 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Yasunori neither teaches, discloses nor suggests “each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing

devices," as discussed above with respect to the rejection of claim 13. Claim 2 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 2 is earnestly solicited.

Claim 8 depends from claim 2 and adds further distinguishing elements. Claim 8 is thus also submitted to be allowable. Withdrawal of the rejection of claim 8 is also earnestly solicited.

Claim 5:

The fourth clause of claim 5 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Yasunori neither teaches, discloses nor suggests "each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices," as discussed above with respect to the rejection of claim 13. Claim 5 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 5 is earnestly solicited.

Claim 6:

The fourth clause of claim 6 recites:

Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Yasunori neither teaches, discloses nor suggests "each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices," as discussed above with respect to the rejection of claim 13. Claim 6 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 6 is earnestly solicited.

Claims 9 and 12:

The fifth clause of claim 9 recites:

Wherein each power supply control device performs the power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Yasunori neither teaches, discloses nor suggests "wherein each power supply control device performs the power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices," as discussed above with respect to the rejection of claim 13. Claim 9 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claim 12 depends from claim 9 and adds further distinguishing elements. Claim 12 is thus also submitted to be allowable. Withdrawal of the rejection of claim 12 is also earnestly solicited.

Claim 11:

The seventh clause of claim 11 recites:

Wherein each power supply control device performs the power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices.

Yasunori neither teaches, discloses nor suggests "wherein each power supply control device performs the power-up process if the power-up date and time comes and the power-up instruction unit abnormally issues no power-up instruction to each power supply control device of the other information processing devices," as discussed above with respect to the rejection of claim 13. Claim 11 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 11 is earnestly solicited.

Claim 16:

The sixth clause of claim 16 recites:

Performing a power-up process of each the other information processing devices if the next power-up date and time comes and said one of said information

processing devices fails to provide a further power-up instruction.

Yasunori neither teaches, discloses nor suggests "performing a power-up process of each the other information processing devices if the next power-up date and time comes and said one of said information processing devices fails to provide a further power-up instruction," as discussed above with respect to the rejection of claim 13. Claim 16 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 13. Withdrawal of the rejection of claim 16 is earnestly solicited.

Claims 3, 4, and 10:

Claims 3, 4, and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya in view of European Patent Application 0 499 564 A2 to Ackman et al., (a.k.a. "Budnik"). The rejection is traversed. Reconsideration is earnestly solicited.

"Tsuchiya" is not of record in the application. The reference to Tsuchiya should have been to "Yasunori," according to the message left for the undersigned representative of the Applicants by the Examiner on May 30, 2007. Withdrawal of the rejection is earnestly solicited.

Claims 4 and 10, in any case, depend from claims 2 and 9, respectively, and add further distinguishing elements, while claim 3 includes the subject matter of former claim 1, as discussed above.

Yasunori neither teaches, discloses nor suggests "performing a power-up process on the current information processing device if said stored power-up date and time comes and abnormally no power-up instruction is received," as discussed above with respect to the rejection of claim 13. Budnik does not either, and thus cannot make up for the deficiencies of Yasunori with respect to any of claims 3, 4, or 10. Claims 3, 4, and 10 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3, 4, and 10 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 2-16 are allowable over the cited references. Allowance of all claims 2-16 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:

Thomas E. McKiernan  
Registration No. 37,889

Date: 01 AUG 07



1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501